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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,601	02/27/2004	Christian Paul Klein	16477-004001	6797

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EXAMINER	
PAINTER, BRANON C	
ART UNIT	PAPER NUMBER
3633	

NOTIFICATION DATE	DELIVERY MODE
03/19/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No.	Applicant(s)	
	10/788,601	KLEIN ET AL.	
	Examiner	Art Unit	
	BRANON C. PAINTER	3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 January 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37,48-75 and 80-84* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37,48-75 and 80-84* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

    1. Determining the scope and contents of the prior art.
    2. Ascertaining the differences between the prior art and the claims at issue.
    3. Resolving the level of ordinary skill in the pertinent art.
    4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-37, 48-75, and 80-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunetti et al. (6,507,278) in view of Bruun et al. (6,471,039).

4. Regarding claim 1:

    a. Brunetti discloses a screening system including:

        i. A gateway between sterile and non-sterile areas (18, Fig. 2).

        ii. A screening queue for the gateway (12, Fig. 1; passengers line up outside 18 and pass through 18 one at a time).

        iii. A baggage scanner (middle 26 and 24, Fig. 2) operable to detect the contents of baggage items, wherein the scanner includes a screening

device (26) and a conveyor (24) operable to convey items from the non-sterile area through the device to the sterile area.

iv. A tray slide (rightmost 24 and 26, Fig. 2) including a sidewall and support surface (side walls and support beams supporting the conveyor belt 24, Fig. 2, 4).

b. Brunetti does not appear to expressly disclose that the tray slide conveyor belt is capable of moving in both the forward and reverse directions.

c. Bruun teaches that it is well-known for conveyor systems to have forward and reverse directional capabilities (c. 1, 62 – c. 2, 2; c. 7, 1-4).

d. It would have been obvious to one of ordinary skill in the art to provide the conveyor belt of Brunetti with bi-directional capability as taught by Bruun, in order to allow suspicious luggage to be re-scanned without the need to physically move the luggage back to the beginning of the belt.

e. Furthermore, it would have been obvious to one of ordinary skill in the art to modify the conveyor belts of Brunetti such that one conveyor moves in the direction of the sterile area and the adjacent conveyor moves in the direction of the non-sterile area, in order to automate the tray-return process, thereby freeing security guards from this duty and allowing them to concentrate on fully securing the sterile area.

f. The examiner notes that it is more than notoriously well-known for conveyor belts in airport security queues to operate in both the forward and reverse

directions. Security guards who inspect travelers' luggage often reverse the belt in order to take a second look at a piece of luggage being scanned.

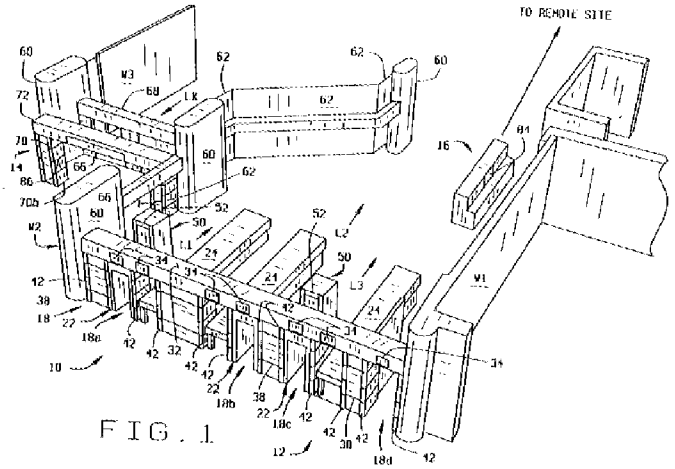

FIG. 1

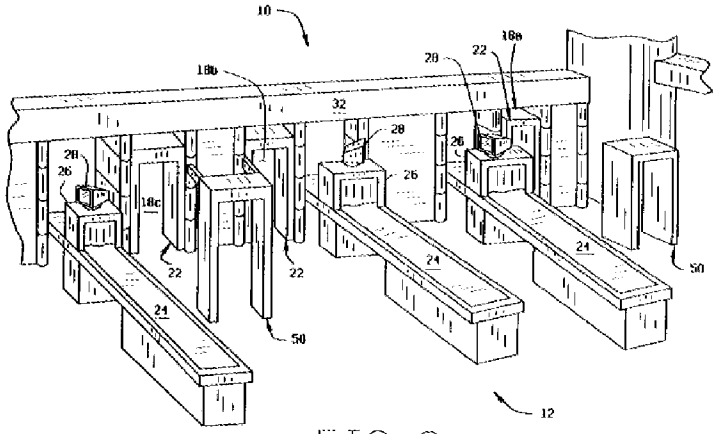

FIG. 2

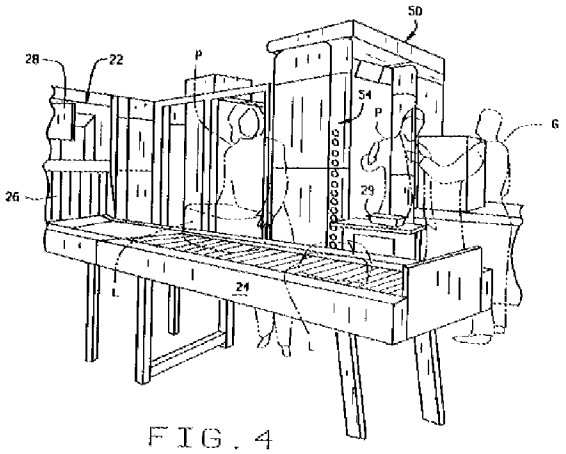

FIG. 4

Reproduced from Brunetti

5. Regarding claim 2, Brunetti discloses a tray conveyance coupled to the tray slide (24, Fig. 4).
6. Regarding claims 48 and 49, Brunetti discloses the limitations of these claims as discussed with regard to claims 1 and 2 above.
7. Regarding claims 3 and 50, Brunetti discloses a gateway with detection apparatus (22, Fig. 2).
8. Regarding claims 4 and 51, Brunetti discloses a queue that guides from a non-sterile area to a sterile area (12, Fig. 1).
9. Regarding claims 5, 21, 52, and 68, Brunetti discloses a table coupled to the tray slide and disposed between the slide and the queue (26, Fig. 2).
10. Regarding claims 6 and 53, Brunetti discloses a tray slide with elevated portion (tray slide is elevated from the ground, Fig. 4).
11. Regarding claims 7 and 54, Brunetti discloses a receiving portion collocated with the elevated portion (the end of the slide, near the stop plate in Fig. 4, is considered a receiving portion since the stop plate receives trays and prevents them from sliding off the tray slide).
12. Regarding claims 8, 15, 55, and 62, Brunetti discloses a slide with a plurality of rectangular sections having a similar width and coupled to at least another section (gray, amended Fig. 4).
13. Regarding claims 13 and 60, Brunetti discloses a sidewall affixed to the tray slide (amended Fig. 4).

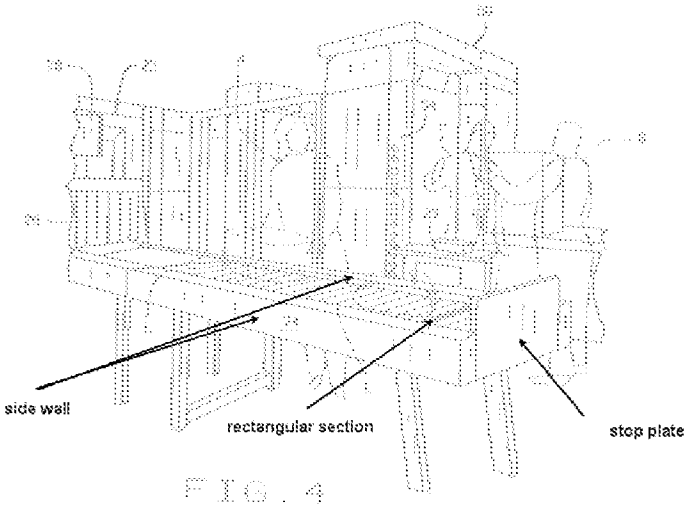

FIG. 4

Reproduced from Brunetti (amended)

14. Regarding claims 14 and 61, Brunetti discloses two sidewalls affixed to the slide and extending substantially the entire length of the slide (amended Fig. 4).
15. Regarding claims 18 and 65, Brunetti discloses means for delivering a tray to a passenger (24, Fig. 2, 4).
16. Regarding claims 22 and 69, Brunetti discloses a tray slide coupled to the table and a portion of the table exposed between the tray slide and queue (26, Fig. 2).
17. Regarding claims 23 and 70, Brunetti discloses a retrieval portion distal the gateway (the portion of slide tray near stop plate is considered the retrieval portion, as that is where passengers retrieve items from their trays, amended Fig. 4).
18. Regarding claims 24 and 71, Brunetti discloses an end wall positioned at the retrieval portion (stop plate, amended Fig. 4).
19. Regarding claim 27, Brunetti discloses a tray slide (rightmost 24 and 26), with entry from a non-sterile area to a sterile area requiring passage through a detection device (26) and screening queue (12, Fig. 1). Brunetti further discloses a baggage

scanner (middle 26 and 24, Fig. 2) operable to detect the contents of baggage items, wherein the scanner includes a screening device (26) and a conveyor (24) operable to convey items from the non-sterile area through the device to the sterile area. The tray slide is operable to deliver an article to a screening subject in a queue in the non-sterile area for the reasons discussed above with regard to claim 1.

20. Regarding claim 28, Brunetti discloses a threshold between sterile and non-sterile areas (Fig. 2).
21. Regarding claim 29, Brunetti discloses a slide with a plurality of rectangular sections having a similar width and coupled to at least another section (gray, amended Fig. 4).
22. Regarding claim 31, Brunetti discloses a means for propelling an article from a sterile to non-sterile area (24 in reverse can transport articles this way, Fig. 4).
23. Regarding claim 34, Brunetti discloses a table coupled to the tray slide and disposed between the slide and the queue (top of 26 acts as table, Fig. 2).
24. Regarding claim 74, Brunetti discloses a tray stop (stop plate, amended Fig. 4).
25. Regarding claims 80-81, Brunetti discloses a tray slide operable to deliver a tray in a direction opposite the path from the sterile to non-sterile area (by reversing the direction of the conveyor belt).
26. Regarding claims 82-84, Brunetti discloses a tray slide (rightmost 24 and 26, Fig. 2) adjacent the baggage scanner (middle 24 and 26).

27. Regarding all claims, the examiner notes that claim scope is not limited by claim language that does not limit a claim to a particular structure. See MPEP 2111.04.

28. Regarding claims 9-12, 19-20, 56-59, and 66-67:

a. Brunetti discloses a security system as set forth above.

b. Brunetti does not expressly disclose that the conveyance includes a roller bed [claims 9, 56] comprising a plurality of wheels [claims 10, 57] or cylindrical rollers rotating around their longitudinal axes [claims 11, 19, 58, 66], or that it includes a conveyor belt [claims 12, 20, 59, 67].

c. Bruun discloses that a conveyance means for conveying trays may include a roller bed (Fig. 1) [claims 9, 56] comprising a plurality of wheels (27) [claims 10, 57] or cylindrical rollers rotating around their longitudinal axes (27) [claims 11, 19, 58, 66], or that it includes a conveyor belt (30) [claims 12, 20, 59, 67].

d. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the conveyor of Brunetti by making it from well-known materials including wheels, rollers, and belts as taught by Bruun, in order to adhere to the standard, old, and well-known protocol for building a conveyor belt.

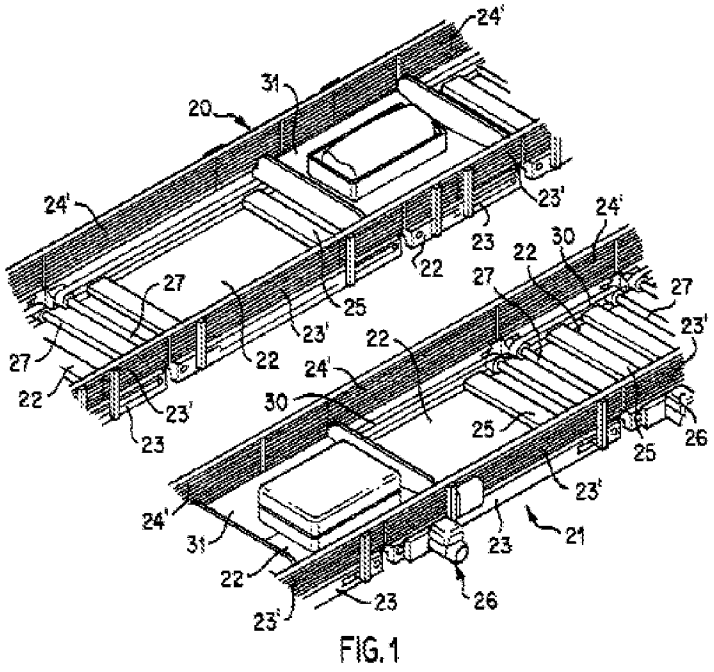

FIG.1

Reproduced from Bruun

29. Regarding claims 16, 63, and 75:

a. Brunetti discloses a security system as set forth above.

b. Brunetti does not expressly disclose that the tray slide sections form a curved tray slide, the curve defining a direction of travel [claims 16, 63], or that the tray slide forms a continuous loop [claim 75].

c. Bruun discloses that it is notoriously well-known to form conveyor systems using continuous, curved belts (30). These belts form a curved tray slide sections synonymous with the conveyor system 24 of Brunetti. The belts are curved, and the top surface upon which trays and luggage sit moves in the direction of the queue, "defining the direction of travel" [claims 16, 63]. The tray slide belt forms a continuous loop [claim 75].

d. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the conveyor system of Brunetti by making it a continuous belt loop as taught by Bruun, in order to adhere to the standard, old, and well-known protocol for building a conveyor belt.

30. Regarding claims 17 and 64, Brunetti/Bruun as modified above further discloses a queue comprising two queues (Brunetti: 12, Fig. 1 – there is a queue in front of each gateway 18a, 18b, 18c, etc.).

31. Regarding claims 25-26 and 72-73:

a. Brunetti discloses a security system as set forth above with respect to claims 1 and 48.

b. Brunetti does not expressly disclose a tray dispenser distal the gateway [claims 25, 72] comprising an aperture, a platform, and a support system [claims 26, 73].

c. Bruun discloses a retrieval portion (39, Fig. 4) [claim 23, 70], a tray dispenser distal the gateway (Fig. 4) [claims 25, 72] comprising an aperture (amended Fig. 4), a platform (46), and a support system (the bars/beams supporting platforms 39 and 46) [claims 26, 73].

d. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the screening system of Brunetti by adding a tray dispenser portion as taught by Bruun, in order to provide a means (46) to automate the return of the tray to the beginning of the queue.

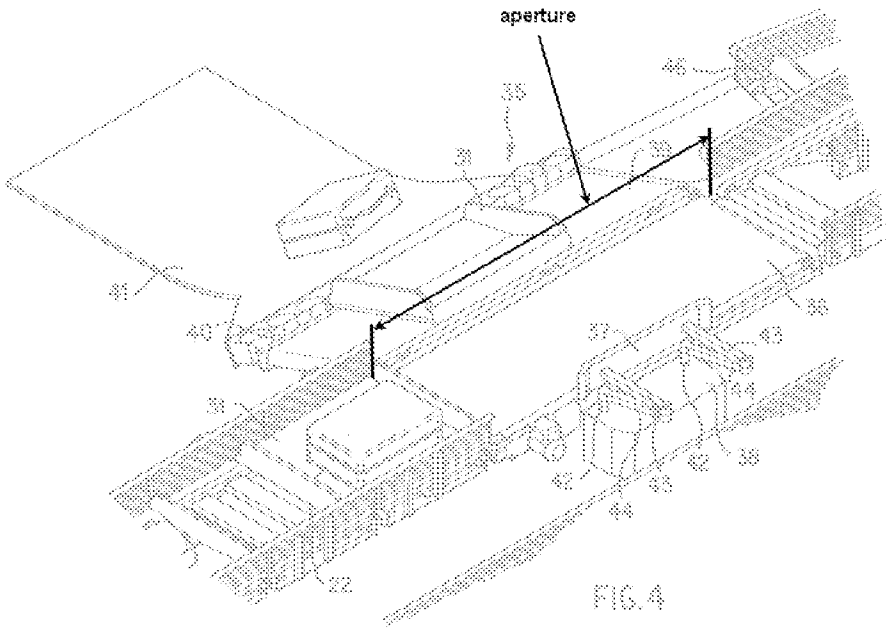

FIG. 4

Reproduced from Bruun (amended)

32. Regarding claims 30-33 and 35-37:

a. Brunetti discloses a security system as set forth above in claim 27.

b. Brunetti does not expressly disclose that the tray slide has an elevated and non-elevated portion, the elevation providing objects thereon with potential energy [claim 30], means for propelling the article from a sterile to non-sterile area [claim 31] comprising an elevated portion [claim 32], the means including a plurality of rollers with drive mechanism and a belt disposed therearound [claim 33], a tray dispenser [claims 35-36] comprising an aperture, a platform, and a support system [claim 37], or a retrieval portion located at a portion of the tray slide distal from the detection device [claim 35].

c. Bruun discloses a tray slide with an elevated (36) and non-elevated (39) portion, the elevation providing objects thereon with potential energy [claim 30], means for propelling the article from a sterile to non-sterile area (39 and height difference between 36, 39) [claim 31] comprising an elevated portion (36) [claim 32], the means including a plurality of rollers (27) with drive mechanism and a belt disposed therearound (30) [claim 33], a tray dispenser [claims 35-36] comprising an aperture (amended Fig. 4), a platform (46), and a support system (the bars/beams supporting platforms 39 and 46) [claim 37], and a retrieval portion (41) located at a portion of the tray slide distal from the detection device [claim 35].

d. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the screening system of Brunetti by adding a tray retrieval mechanism incorporating height differentials and conveyor belts as taught by Bruun, in order to provide a means (46) to automate the return of the tray to the beginning of the queue.

Response to Arguments

33. Applicant's arguments filed 01/21/09 have been fully considered but they are not persuasive.

34. Applicant argues that Brunetti fails to disclose “a tray slide…operable to deliver a tray to a screening subject in the screening queue when the screening subject is in the non-sterile area,” instead disclosing a baggage scanner, and that Bruun does

not overcome the deficiencies of Brunetti. However, the new rejection of Brunetti/Bruun does teach this limitation, as Bruun teaches bi-directional conveyor belts, and as it would have been obvious that reversing the direction on one of the two adjacent systems of 24 and 26 would allow trays to be automatically delivered back to a subject in the screening queue, freeing security guards from this manual labor and allowing them to concentrate their skills on maintaining the security of the sterile area.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANON C. PAINTER whose telephone number is (571)270-3110. The examiner can normally be reached on Mon-Fri 7:30AM-5:00PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. C. P./
Examiner, Art Unit 3633
/Basil Katcheves/
Primary Examiner, Art Unit 3635